

DATE ISSUED: October 13, 2000

REPORT NO. 00-222

ATTENTION: Land Use and Housing Committee
Agenda of October 18, 2000

SUBJECT: Historical Resource Regulations

SUMMARY

Issues - Should the Land Use and Housing Committee direct City staff to make changes to the historical resource regulations with regard to the 45-year review threshold and staff procedures regarding the historic resource designation process?

Department Recommendation - Direct City staff to change the 45-year review threshold to 50 years as part of the next Land Development Code quarterly update and direct staff to continue to monitor the results of implementation of the historic resource regulations and to bring forward additional changes as part of the ongoing update process.

Other Recommendations - None. Additional input will be obtained as part of the Land Development Code update process.

Fiscal Impact - None with this action.

BACKGROUND

On June 27, 2000, City Council considered the appeal of two historical resource designation actions taken earlier by the Historic Resources Board (HRB). These two projects were being processed under the Municipal Code in effect prior to January 3, 2000. As part of these deliberations, the City Manager was directed to bring back a discussion to the Land Use and Housing Committee on historic resource regulations and procedures. The specific issues identified were the appropriateness of the 45-year age threshold included in the regulations that trigger project review and the concerns with the timing and procedures associated with the resource designation process.

DISCUSSION

This report includes a brief description of the historic resource regulations and designation process that were in place prior to the new Land Development Code (LDC). It provides a summary of the regulations and designation process that went into effect on January 3, 2000 with the LDC. Potential alternatives for the Land Use and Housing Committee's consideration are outlined in the last part of the report.

Past Regulations and Designation Process

Municipal Code regulations in effect prior to January 3, 2000 regulated historic resources in multiple ways. Citywide, the resource protection ordinance restricted impacts to properties that had already been designated as historically significant. Included were limitations on impacts to the resource and a requirement to obtain a discretionary permit where the alteration did not comply with Secretary of Interior Standards and Guidelines. In the coastal zone, any demolitions or alterations of existing structures that required coastal development permits subjected non-designated structures to a review for historical significance as part of California Environmental Quality Act (CEQA) analysis. Similarly, projects that proposed to alter an existing structure as part of any other type of discretionary action (Planned District Permit, Hillside Review Permit, Tentative Map, etc.) were subject to review for potential designation and impacts on historic resources.

For these projects, identification of a potential impact to a historical resource generally occurred following a customer submitting a historic survey. Surveys would be required as part of staff CEQA analysis, typically using a structure age threshold of 45 years or older. This staff determination followed the environmental initial study, generally 30 days after the City received a complete application. The designation process then began after the City received and reviewed the report provided by the customer and determined the structure being altered met one or more of the criteria for designation. Review by the HRB for designation often occurred late in project review. In some cases, draft environmental documents had been distributed for public review (three to six months into the City review process) before designation hearings by the HRB had occurred. Under the prior code, projects that were designated by the HRB, were then subject to additional regulations and an additional permit (Resource Protection Ordinance). Decisions on projects were often delayed as part of this process.

Historic resources in limited areas of the City were also protected through a mandatory review of proposed demolitions and alterations under the prior code. Requests for demolition permits not otherwise subject to a discretionary action were reviewed by staff for potential designation in the Old Town, Mid-City Communities, Centre City, and Southeastern San Diego Planned Districts. Alterations of structures were also reviewed for historic resource impacts only in the Old Town and Center City Planned District.

Projects like these being reviewed through a ministerial action (building permit, demolition permit, etc.) were reviewed within a 10-day period to determine if a historic survey would be required. If required, no permit was issued until the report was received and if necessary, action by the HRB on designation had been taken. Depending on the customer's ability to prepare the survey, this process could take between two and six months.

Current Land Development Code Regulations

The current regulations addressing historic resources were developed through a combination of the Mayor's Preservation Ordinance Review Committee recommendations and the LDC process. The goals of the LDC were to make City regulations consistent with other established thresholds, and to improve predictability of the historical resource regulations. Changes were also designed to maintain City's status as a Certified Local Government. This status has allowed the City to nominate resources for designation on the National Register and California Register of Historic Resources such as the Gaslamp District and Balboa Park. It also allows the City to review and approve alterations to listed structures and to obtain grants for programs that support historic preservation.

Since the adoption of the new Land Development Code on January 3, 2000, the Planning and Development Review department has implemented new historical review procedures to carry out the revised regulations. These new procedures prevent late identification of potential historical resources and review for designation by the HRB similar to what occurred on the two items heard at City Council on June 27, 2000. These two projects were submitted under the prior Municipal Code and did not follow the new procedures.

A brief description of the revised procedures being implemented by the department is included below. Attachment No. 1 of this report is a complete version of the process that staff has been using since this past January. A discussion of the basis for the 45-year review threshold is also provided.

Historical Review Process:

Based on the new code, projects that propose to alter the exterior of structures older than 45 years are subject to a staff review to determine if the structure meets the criteria for designation as a historic resource. For projects that are decided by a ministerial approval (such as a building permit), a determination that a structure meets the designation criteria or that a site-specific survey is required must be made within 10 days of a complete project submission per the LDC. Projects submitted for a discretionary approval (such as a coastal development permit, conditional use permit, etc.) have 30 days for this determination.

The general procedure follows:

-1.....Project Submitted - New project submittal standards require a customer proposing alterations to a structure's exterior to identify if the structure is 45 years or older. If so, the applicant is required to submit photos of the structure, copies of the building permit records from the City, and the building record from the County of San Diego.

-2.....Initial Determination - Based on this submitted information and using reference materials maintained in the department, a project will require no further historic review if staff determines that the structure does not meet the designation criteria or the alteration proposed meets Secretary of Interior Standards and Guidelines for alterations to historical resources. This eliminates further historic review for a large majority of projects.

-3.....Site Specific Survey Required - For a project determined to be subject to further historic review, a site specific survey is required. Once submitted, the survey is distributed to staff including the staff of the HRB. Upon review of the survey, a project that staff determines to meet the designation criteria is scheduled for a designation hearing by the Historical Resources Board.

-4.....Historical Resources Board Meeting - The board acts on whether the structure should be designated.

Since the new Land Development Code has been in effect, 104 projects submitted for permits to alter a structure more than 45 years old have been through Steps 1 and 2 of this procedure. This number is out of a total of more than 8,000 projects submitted for permits from the City. Only six have been required to proceed to Step 3 and prepare a site-specific survey. Of these, two were found to not be significant based on the survey information provided by the customer. Most of these determinations have been made within two business days.

Review Threshold:

The 45-year review threshold established by the LDC used criteria in the National Register and California Register of Historical Resources as a baseline. This criteria allows the listing of resources that have achieved significance within the past 50 years. It also allows listing of resources less than 50 years old if it can be demonstrated that sufficient time has passed to understand its historical importance. The 45-year threshold established by the City provides a five-year period to allow evaluation of resources that are approaching the 50-year National and California Register criteria for listing. It also helped to maintain the City's Certified Local Government status.

ALTERNATIVES

Following are alternatives to the current historical resource regulations and procedures for consideration by the Committee along with staff recommendation.

Change the 45-Year Review Threshold:

Increasing the age threshold that triggers historical review would reduce the number of structures subject to the additional submittal requirements and potentially the preparation of site-specific surveys. This could reduce costs and schedule impacts to projects proposing alterations to structures.

Making a change beyond the current 50-year threshold currently used by the National Register and California Register of Historical Resources could subject the City to loss of status as a Certified Local Government. Any change beyond the 50-year threshold would also require additional environmental analysis to disclose potential impacts to those resources that might be altered or demolished as a result of the change.

Staff Recommendation: Staff recommends that the Land Use and Housing Committee direct staff to modify the LDC by changing the review threshold from 45 years to 50 years. This will make the City's regulations consistent with both National and State criteria and reduce regulatory requirements for additional projects.

Prepare More Surveys:

As part of the LDC discussions, staff and the LDC Citizens Advisory Committee identified doing surveys as an option to simplify the review process used to identify and designate historical resources. Surveys, like those in the Center City area, allow the identification and review for designation of large areas, thereby releasing all other structures not identified and designated from the requirement for further review.

The primary reason for not pursuing surveys on a broad scale has been the costs associated with such an effort. Instead, staff has relied upon a combination of volunteer efforts, use of grant money, and the community plan update process as vehicles to survey additional areas of the City. Recently, staff has created a historical inventory of important architects, structures, and people in San Diego to provide an additional resource when reviewing sites for potential historical significance. The inventory was developed through a review of designated historic sites, correspondence with local historians, input from architectural firms, and research of past historic documents and publications. While inclusion in the inventory does not necessarily constitute historical significance it does provide an additional survey tool for staff to use.

Staff Recommendation: Staff recommends that the City continue to use volunteer efforts, grant money, and the community plan update process to advance survey efforts. In addition, staff will continue to add to the recently created inventory to enhance the tools that allow a more expeditious and thorough evaluation of a structure's historical resource potential.

Reduce Costs to Prepare the Site-Specific Survey:

Another alternative to simplify procedures and reduce costs would be to reduce site-specific survey requirements or to provide additional and less costly ways to obtain required information to establish historical resource significance. Under the LDC Historical Resource Guidelines, the survey requirements have been standardized to help simplify preparation by customers. This could be further modified to require more focused documentation as evidence of a resource’s historic potential. Another option would be to offer a staff service to prepare the site-specific survey. Additional, qualified staff could be added to the department and may be able to prepare surveys at a competitive rate.

Staff, over the past several months, has worked with project customers on a case by case basis to help narrow the types of documentation needed to make a determination and to help reduce customers costs. Staff has also allowed surveys to be prepared by a wider range of individuals than in the past, provided those preparing the survey show adequate documentation of their research methodology. This has allowed customers to minimize costs by allowing more competition in the consultants they can use to prepare the survey.

Staff Recommendation: Continue to work on tailoring site-specific survey requirements to the specific project. Monitor all surveys to determine if a reduced set of requirements can be developed based on the age, type of resource being altered, and project scope. Include these changes as part of future amendments to the Historical Resource Guidelines. Continue to allow more individuals to prepare surveys provided that they can document the research methods used and the records they accessed. Do not pursue an alternative that offers staff preparation of site-specific surveys at this time.

CONCLUSION

Implementation of historical resource preservation is a complex and controversial subject. While the City’s policies are clear on the value of historic resources, the property development restrictions that have implemented them have had negative consequences in project schedules and costs. The final environmental document certified with the LDC concluded that adoption of the historical resource regulations now in place would have significant and unmitigated impacts to historical resources citywide. Staff, therefore, believes that the regulations and procedures implemented with the Land Development Code are balanced in offering a level of predictability to a number of aspects of the resource designation and review process while providing adequate opportunities for the City to protect important resources.

Respectfully submitted,

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Tina P. Christiansen, A.I.A. .Approved by:George I. Loveland
Planning and Development Review Director.....Assistant City Manager

HAASE/KGB

.....Attachment:1. Planning & Development Review Department Staff Procedures for
Historical Resources Review & Historical Groups Contacts

**Planning & Development Review Department
Staff Procedures**

for:

Historical Resources Review

(January 2000)

Land Development Code Section 143.0212 requires that before an applicant can obtain a construction permit or development permit for any parcel that involves demolition or exterior alteration of a building/structure that is **45 or more years old**, the City must first determine if a site-specific historical resources survey is required. The site-specific survey shall be required if City staff determines that a historical resource may exist on the parcel.

These procedures are organized by:

.....A.....Construction permits (ministerial) - buildings/structures

.....B.....Development permits (discretionary) - buildings/structures

A.....Construction Permits (Ministerial) - Buildings/Structures

.....**Step 1 - Submittal Screening:** An initial screening on the need for a site-specific survey is made based on the information provided on the Parcel Information Checklist which is required for all projects. If the proposed project involves demolition or external alteration of a building/structure that is 45 or more years old, Project Submittal staff will ask for additional information (i.e. photographs of the site and each building facade, records of building permits or sewer and water permits, and the Building Record from the County of San Diego Assessor's Office). If the building/structure does not meet the above stated criteria, the applicant can proceed with submitting the project.

.....**Step 2 - Initial Determination:** Based on the information submitted for Step 1 and review of in-house research materials (i.e. list of high potential communities, review of architectural criteria from sketches and photos in "A Field Guide to American Houses" by Virginia & Lee McAlester, etc.), Project Submittal staff will determine if the building/structure requires additional research. If not, the applicant can proceed with submitting the project.

.....**Step 3 - Site-Specific Survey Determination:** If the Project Submittal staff has determined that the building/structure requires additional research or is not certain if it has potential historic value, a submittal team representative will bring the application (including photographs and permit records) to the Land Development Review (LDR) Senior Planner (either Permit Senior or Environmental Senior) for the applicable geographic area. If it is determined that a more in-depth review by staff is warranted, a Development Project Manager (DPM) will be assigned. The site-specific survey determination will be made collectively by a permit planner, environmental analyst and a Senior Planner for the applicable geographic area. If the Senior Planner believes additional

public input is necessary to make a determination for a site-specific survey, they will request that the DPM fax a notice, stating that a site-specific survey determination is in the process of being made, to all affected community groups and historical groups on the list (see attached list). The determination for the need of a site-specific survey must be made within 10 business days of application of the project.

.....LDR staff may use the following resources (or other available resources) in making the determination:

.....2.....City Directory Search (every year for the first 20 years or until 1950 whichever is longer and every 5 years thereafter).

.....3.....Sanborn Maps for 1956.

.....4.....Notice of Completion or proof that there is no NOC on file with the County.

.....Once the determination is made, the Senior Planner will document the determination on the automated system and forward it to the DPM. If the building/structure is found not to have any potential for historic value, the applicant can proceed with submitting the project.

.....**Step 4 - Site-Specific Survey:** If the proposed project warrants a site-specific survey, the applicant will be required to prepare the survey. The survey shall be conducted in such a manner as to determine the presence or absence of potential historical resources consistent with Chapter III of the Historical Resources Guidelines of the Land Development Manual. The survey information will be reviewed by either the permit planner or environmental planner, and by staff of the Historic Resources Board within 30 days, to determine whether a historical resource exists, whether a potential historical resource is eligible for designation as a designated historical resource by the Historical Resources Board, and the precise location of the resource. If the Historic Resources Board staff determines, through consultation with senior staff, that there are historical resources present and it is eligible for designation, the DPM will schedule a hearing of the Historical Resources Board.

.....**Step 5 - Historical Resources Board Hearing:** If the Board designates the structure, the applicant must apply for a Neighborhood or Site Development Permit. If the Historical Resources Board does not designate the building/structure, the applicant can proceed with obtaining the construction permit.

B....Development Permits (Discretionary) - Buildings/Structures

.....**Step 1 - Environmental Initial Study:** If the proposed project involves demolition or external alteration of a building or structure that is 45 or more years old, additional information (i.e. photographs of the site and each building facade, records of building permits or sewer and water permits, and the Building Record from the County of San Diego Assessor's Office) will be provided by the applicant at project submittal. Project Submittal staff will forward all applicable information to a LDR Senior Planner for the applicable geographic area.

.....**Step 2 - Site-Specific Survey Determination:** Based on all available information, the

environmental analyst (in consultation with the assigned permit planner and a Senior Planner for the applicable geographic area.) will determine if a site-specific survey is required. The determination for the need of a site-specific survey must be made within 30 calendar days of application of the project. The DPM assigned to the project must fax a notice, that a site-specific survey determination is in the process of being made, to all community and historical groups on the list (see attached list). The following information can be used to make the determination.

-1.....Photographs of the site and each building facade
-2.....Records of building permits or sewer and water permits
-3.....Building Record from the County of San Diego Assessor's Office
-4.....List of high potential communities
-5.....Review of architectural criteria from sketches and photos in "A Field Guide to American Houses" by Virginia & Lee McAlester
-6.....City Directory Search (every year for the first 20 years or until 1950 whichever is longer and every 5 years thereafter)
-7.....Sanborn Maps for 1956
-8.....Notice of Completion or proof that there is no NOC on file with the County

.....If the building/structure is found not to have any potential for historic value and a survey is not required, the environmental planner must document the decision in the automated system and forward it to the DPM. The environmental planner must also complete a State of California Department of Parks and Recreation Primary Record Form (DPR 523A) and Building, Structure and Object Record Form (DPR 523B) to be kept in the environmental file.

.....**Step 3 - Site-Specific Survey:** If the proposed project warrants a site-specific survey, the applicant will be required to prepare the survey. The survey shall be conducted in such a manner as to determine the presence or absence of potential historical resources consistent with Chapter III of the Historical Resources Guidelines of the Land Development Manual. The survey information will be reviewed by the environmental analyst and by staff of the Historic Resources Board to determine whether a historical resource exists, whether a potential historical resource is eligible for designation as a designated historical resource by the Historical Resources Board, and the precise location of the resource. If Historical Resources Board staff determines, through consultation with senior staff, that there are historical resources present and it is eligible for designation, the DPM will schedule a hearing of the Historical Resources Board.

.....**Step 4 - Historical Resources Board Hearing:** If the Board designates the structure, the applicant must apply for a Neighborhood or Site Development Permit for historical resources. If the Historical Resources Board does not designate the building/structure, the

applicant can proceed with obtaining the development permit.

Name:	Organization:
Cindy Stankowski	San Diego Archaeological Center
Terry M. DiMattio	Cabrillo National Monument
James Royle	San Diego Archaeological Society
Bruce Coons	SOHO
James D. Newland	California State Parks
John Mulvey	City Heights Area Planning Committee
James D. Newland	College Area Community Council
Jan Hudson	Del Mar Mesa Community Planning Board
Erik Hanson	Greater Golden Hill Planning Group
Bill Budd	Kensington-Talmedge Planning Committee
Bruce Minter	La Jolla Community Planning Association
Courtney Ann Coyle	La Jolla Town Council
Patty Schreibman	Mission Valley Unified Planning Committee
Priscilla McCoy	Ocean Beach Planning Board
R. Kirk O'Brien	Peninsula Community Planning Board
Michael R. Freedman	San Ysidro Planning & Development Group
James R. Paterniti, Jr.	Scripps Ranch Planning Group
Bill Reschke	Tierrasanta Community Council and Planning Committee
Ernestine Bonn	University Heights Historical Society AND Uptown Planners
	La Jolla Historical Society
	Ocean Beach Historical Society
	Point Loma Historical Society
	University Heights Historical Society
	Pacific Beach Historical Society
	Greater North Park Planning Group Historic Subcommittee